IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7277 OF 2003

Usman Ali Davare & Others..... Petitioners.

Versus

Abbas Umar Davare & Ors..... .... Respondents.

Mr. C.G.Gavnekar i/by M/s. Harish Mehta & Co.,
for the Petitioners.

None for the Respondents.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 14, 2005.

P.C.:

The petitioners challenge the orders of the Revenue Authorities refusing to correct mutation entry as desired by the petitioners.

2. The petitioners had approached the Revenue Authorities for setting aside the deletion of their late father's name from the revenue record as tenant and for insertion of their own name. This request has been refused by the Revenue Authorities. Mr. Gavnekar, learned Counsel for the petitioners, submits that the Revenue Authorities having arrived at the

finding that the petitioners' late father had not signed the application for deletion of his name, the petitioners' application for insertion of their name in the mutation entry ought not to have been rejected.

3. However, learned Counsel for the petitioners accepts the position that the civil suit in respect of the same land is pending in the Court of the Civil Judge, Junior Division, Mangaon, Dist. Raigad between the petitioners and the landlord. Having regard to the settled position of law that mutation entries in the revenue record are meant for the purposes of collection of revenue and do not confer or divest or otherwise affect the title of the true owner, there is no reason to interfere with the impugned order. Undoubtedly, the question of tenancy rights of the petitioners can be agitated before the civil court independent of the findings of the revenue authorities in regard to the mutation entry.

4. With this observation, the writ petition is dismissed.

Sd/-

S. A. BOBDE, J.